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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/533,604

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EXAMINER

NGUYEN, KHANH TUAN

ART UNIT

PAPER NUMBER

1796

MAIL DATE

DELIVERY MODE

02/26/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	<p>Application No. 10/533,604</p>	<p>Applicant(s) HARA ET AL.</p>	
	<p>Examiner KHANH T. NGUYEN</p>	<p>Art Unit 1796</p>	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 06 February 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☒ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 18, 19 and 21.
Claim(s) withdrawn from consideration: 22-34.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/Mark Kopec/
Primary Examiner, Art Unit 1796

Continuation of 3. NOTE: The rejection of claims 18, 19, and 21 under 35 U.S.C 102(b) over Tsuchida et al (JP Pub. 2000-082329) is maintained for the reason set forth thereof. Applicant's arguments filed on 02/06/2008 have been fully considered but they are not persuasive.

In response to Applicant's remark on page 8, Applicant argues that Tsuchida et al reference cited by the Examiner fails to disclose or suggest the carboxyl group of the second compound is attached to a nitrogen atom and a hydrogen. Examiner respectfully disagrees with the Applicant argument. Applicant should refer to Tsuchida et al reference, paragraph 0020-0021, wherein Tsuchida et al teaches a sulfate radical (second compound) may be selected from N-dimethyl formamide and dimethyl formamide. It is well known in the organic chemistry art that both N-dimethyl formamide and dimethyl formamide compound contains a carboxyl group that is attached to a nitrogen atom and a hydrogen.

Applicant also argues that claim 9, which is canceled, further defines the second compound to include, for example, N, N-dimethyl formamide. The Examiner presumes that the Applicant is referring to the pending claim 19 to further limit the second compound instead of the canceled claim 9 because the said canceled claim is not under consideration and does not have any patentable weight. Nonetheless structurally similar compounds are generally expected to have similar properties. In re Gvurik, 596 F. 2d 1012, 201 USPQ 552. Closely related homologues, analogs and isomers in chemistry may create a prima facie case of obviousness. In re Dillon USPQ 2d 1 897, 1904 (Fed. Cir. 1990); In re Payne 203 USPQ 245 (CCPA 1979); In re Mills 126 USPQ 5 13 (CCPA 1960); In re Henze 85 USPQ 261 (CCPA 1950); In re Hass 60 USPQ 544 (CCPA 1944). Thus, one having an ordinary skill in the art can easily substitute the N-dimethyl formamide and dimethyl formamide of Tsuchida et al with a similar compound such as N, N-dimethyl formamide to yield a predictable result.

Applicant further argues that Tsuchida et al failed to suggest or teach the mole ratio as claimed. Examiner respectfully disagrees with the Applicant argument. Applicant should refer to Tsuchida et al reference, paragraph 0022, wherein Tsuchida et al teaches 0.3-2 pieces (mole) of sulfate radical (second compound) to one unit (mole) of polymer represented by formula $-(R1-X)_n-$ (first compound). The mole ratio of sulfate radical to polymer disclosed by Tsuchida et al is less than 10. Therefore, the teaching of Tsuchida et al reference still reads on the instant claims.

Based on the above rationale, it is believed that the claimed limitations are met by the references submitted and therefore, the rejection is maintained.